

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

CARL SWOBODA and  
JUDY SWOBODA,

Plaintiffs,

v.

TRAVELERS PERSONAL  
INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 3:16-cv-00314

(SAPORITO, M.J.)

**ORDER**

AND NOW, this 28th day of September, 2018, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The defendant's motion for summary judgment (Doc. 47) is **GRANTED in part and DENIED in part** as follows: the motion is **GRANTED** with respect to Count I of the complaint and **DENIED** with respect to Count II of the complaint;

2. The plaintiffs' motion for summary judgment (Doc. 45) is **DENIED**;

3. The Clerk is directed to enter **JUDGMENT** in favor of the defendant with respect to **Count I** of the complaint, alleging common law breach of contract; and

4. The plaintiffs' claim under **Count II** of the complaint, alleging statutory bad faith pursuant to 42 Pa. Cons. Stat. Ann. § 8371, shall be set down for jury trial.

**s/ Joseph F. Saporito, Jr.**  
JOSEPH F. SAPORITO, JR.  
United States Magistrate Judge